

REMARKS

Claims 1-14 are all the claims pending in the application.

Claims 12-14 are objected to under 37 CFR 1.75(c), as being improper dependent form.

Claims 9, 10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker, Jr. et al. (U.S. Patent No. 6,083,172 A).

Claims 1-8, 12, and 13 are allowed.

Claim 11 is objected to as being dependent upon a rejected base claim.

The Applicants traverse the rejections and request reconsideration.

Objections to the Specification

The Applicants attach a substitute Specification. It is noted that this Specification is simply a cleaner version of the original Specification. No changes have been made and no new matter has been added.

Claim Objections

Claims 12-14 have been amended to place them in an acceptable form under US practice.

Rejection of claims 9, 10 and 14 based on Baker

As shown in Fig. 1A of Baker, an "IR" signal line and an "IR & RED" signal line are divided at a point between steps 14 and 29. The "IR" signal is used for analyzing the pulse rate and "IR & RED" signal is used for analyzing the SpO2. Thus, the signal input to the box 50 corresponds to the claimed observed pulse data (for example, as shown in Fig. 2 of the present Application). Since this signal contains plural frequency components, the spectrum (as shown in

Fig. 5 of the present Application) can be obtained **only by subjecting this signal to frequency analysis**.

The present invention, as recited in claim 9, requires dividing the frequency band. For example, such a frequency division corresponds to dividing the horizontal axis of Fig. 5 into a plurality of regions. Further, claim 9 recites that whitening is performed in each of the divided frequency ranges (regions). However, the whitening disclosed in Baker (step 20 in Fig. 1A) is performed with respect to the signal input to the box 50 **without the frequency division** as in the present invention. Therefore, the applicants respectfully submit that Baker fails to show every feature recited in Claim 9. To anticipate a claim, each and every limitation must be disclosed by the cited reference. Claim 9 should be allowed at least because Baker does not disclose whitening for each one of the frequency ranges dividing the observed frequency band.

Claim 10 is dependent on claim 9 and should be allowed for at least the same reasons.

Claim 14 includes limitations analogous to the ones discussed above in relation to claim 9, and therefore, should be allowed for analogous reasons.

Claim 11 is indicated as being allowable but for its dependency on claim 9. For the above discussed reasons, claim 9 is believed to be allowable, and therefore, claim 11 should also be allowed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. Patent Application No.: 10/660,557

Attorney Docket No.: Q77499

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Chid S. Iyer
Registration No. 43,355

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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